



PATENT  
ATTORNEY DOCKET NO.: 041514-5120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atsushi YAMAGUCHI *et al.*

Application No.: 09/855,753

Filed: May 16, 2001

For: OPTICAL INFORMATION RECORDING )  
APPARATUS HAVING WRITE BEAM )  
INTENSITY DETECTOR )  
(As Amended) )

Confirmation No.: 8862

Group Art Unit: 2655

Examiner: Hindi, Nabil Z.

Mail Stop Amendment

RECEIVED

AUG 3 0 2004

Technology Center 2600

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
**Customer Window, Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

- Transmitted herewith is an Amendment responding to the Office Action dated March 25, 2004 (Paper No. 6).
- Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Extension of time fee due with this request: \$ 420.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	5	minus	20	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$86 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$290.00	- \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$420.00** to Deposit Account No. 50-0310 for the two-month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 19, 2004

By: 

Paul A. Fournier

Reg. No. 41,023

**CUSTOMER NO. 009629****MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202-739-3000

Facsimile: (202) 739-3001